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February 21, 2025

Via ECF

The Honorable Michael E. Farbiarz
United States District Judge
Lautenberg U.S. Post Office & Courthouse
Two Federal Square
Newark, New Jersey 07102

United States v. Coburn & Schwartz, Criminal No. 19-cr-120 (MEF)

Dear Judge Farbiarz:

We write on behalf of both defendants regarding defense expert witnesses.

At the May 10, 2024 conference in this case, the Court stated that it would defer ruling on outstanding expert-related motions *in limine* until it received a more definitive statement of the experts that Mr. Schwartz may call at trial. We write to provide that more definitive statement.

Mr. Schwartz and Mr. Coburn may jointly call the following experts on the following topics:

1. Brett Harrison (computer forensics);¹
2. Ashok Upadhyay (Indian permitting);²
3. Todd Rahn (construction accounting and internal controls);³
4. Mark Zmijewski (effect of construction delay on stock price); and
5. Alan Nadel (executive compensation).

¹ Mr. Coburn will not call Yaniv Schiff on this topic. ECF No. 695 at 1.

² The defendants will not call Jessica Seddon on this topic. Mr. Upadhyay's testimony may accordingly cover the topics covered in his and Prof. Seddon's expert disclosures. ECF No. 696 at 1 n.4.

³ The defendants will not call Michael Hostettler on the subject of change orders.

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Mr. Schwartz may also call Charles Goodsell (memory) and Leslie John (psychology of displays of emotion in response to accusations)⁴.

We are available to answer any questions that the Court may have.

Respectfully submitted,

/s/ Justin D. Lerer

Justin D. Lerer

cc: All counsel of record (via ECF)

⁴ Mr. Schwartz will not call Katherine DeCelles on this topic. ECF No. 696 at 1.